

REMARKS

In view of the above amendments and the following remarks, further examination and reconsideration of the rejection in the Office Action of December 17, 2008 are respectfully requested.

In items 4 and 5 of the Office Action, claims 1-9 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 9 have been amended to overcome this rejection. Support for the amendment to claims 1 and 9 may be found, for example, on page 11, paragraph 4. Thus, this rejection is no longer applicable to claims 1-9, and withdrawal of this rejection is respectfully requested.

Claims 1 and 9 recite a servo position adjustment method and a device, respectively, having a first servo position adjustment step, a recording step of recording a predetermined signal *in a servo position found* in the first servo position adjustment, a reproduction step, and a second servo position adjustment step. This is not disclosed in the prior art of record.

Minechika discloses a disc apparatus which performs two position adjustments; however, the recording step disclosed in Minechika is independent of the first servo position adjustment. (It appears that citations of Minechika in the Action may refer to the patent publication rather than pre-grant publication. The Applicants have attempted to conform to this paragraph numbering in the citations below.)

The optimal defocus value DFte (optimal defocus for tracking error - identified in the Action with the first servo position adjustment) is a determination of the optimal position for a *seek process* (see paragraph 34, beginning "In a seek process, the optimal defocus value..."). The test writing in the apparatus of Minechika (identified in the Action with the recording step) is performed to determine the optimal defocus values DFrfl and DFrfg (optimal defocus for radio frequency error for lands and grooves, respectively, the former being identified in the Action with the second servo position adjustment). However, DFrfl is a determination of the optimal position for a *decoding process* (see paragraph 34).

In a reproduction process in Minechika (for example, see Figure 17), the defocus value is set to DFte to seek the destination track. Then, the defocus value is set to DFrfl or DFrfg to find the target address. The second adjustment is *not* in a servo position found in the first adjustment;

the two defocus values are independent optimizations for different processes (see, for example, paragraph 49 beginning “In a step S155, a reproduction destination track....”).

Thus, Minechika does not anticipate the present invention as recited in claims 1 and 9. Further, no obvious interpretation of Minechika in view of the prior art of record would have resulted in the present invention as recite in claims 1 and 9. It is respectfully submitted that claims 1 and 9, as well as claims 2-8 depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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February 27, 2009